



**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

Tentative Notice of Action

*Promoting the wise use of land
Helping build great communities*

MEETING DATE July 7, 2006 LOCAL EFFECTIVE DATE June 21, 2006 APPROX FINAL EFFECTIVE DATE August 11, 2006	CONTACT/PHONE Ryan Hostetter 788-2351	APPLICANT Bruce Froikin and Kacey Chun	FILE NO. DRC2005-00174
SUBJECT Request by Bruce Froikin and Kacey Chun for a Minor Use Permit/Coastal Development Permit to allow a 455 square foot second story addition to the existing 2,398 square foot single family residence. The proposed addition includes relocating the existing master bedroom and bathroom to the second floor of the home. The proposed project is within the Residential Single Family land use category and is located at 2165 Inyo Street in the community of Los Osos. The site is in the Estero planning area.			
RECOMMENDED ACTION Approve Minor Use Permit/Coastal Development Permit DRC2005-00174 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
ENVIRONMENTAL DETERMINATION A Class 3 Categorical Exemption was issued on April 25, 2006 (ED05-463).			
LAND USE CATEGORY Residential Single Family	COMBINING DESIGNATION Local Coastal Program, Coastal Appealable Zone	ASSESSOR PARCEL NUMBER 074-444-010	SUPERVISOR DISTRICT(S) 2
PLANNING AREA STANDARDS: Height requirements <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
LAND USE ORDINANCE STANDARDS: Local Coastal Program, Coastal Appealable Zone, and setbacks <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
FINAL ACTION This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing. The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

EXISTING USES: Residential Single Family	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family/residential <i>East:</i> Residential Single Family/residential <i>South:</i> Residential Single Family/residential <i>West:</i> Recreation/golf course	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Los Osos Community Advisory Council, Public Works, Los Osos Community Services District, and the California Coastal Commission.	
TOPOGRAPHY: Nearly level	VEGETATION: Ornamental Vegetation
PROPOSED SERVICES: Water supply: Community System Sewage Disposal: Individual on-site septic Fire Protection: CDF/County Fire	ACCEPTANCE DATE: April 25, 2006

AREA PLAN STANDARDS:

Height Limitations: Maximum height for structures within this residential single family neighborhood is 28' (as measured from average natural grade). *This project complies with this requirement at a height of approximately 19'6".*

COASTAL ZONE LAND USE ORDINANCE STANDARDS:

Setbacks: Required setbacks for the subject property are located within the Coastal Zone Land Use Ordinance which are as follows: Front 25 feet, side 5 feet, and rear is 10 feet. *This project complies with these requirements.*

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

COASTAL PLAN POLICIES: This project is in compliance with the Coastal Plan Policies. The most relevant policies are discussed below.

Public Works:

Policy 1: Availability of Service Capacity applies to the project. The proposed project will not include any additional water fixtures or bedrooms for the residence, therefore a will-serve letter is not required for this proposal.

Coastal Watersheds:

Policy 7: Siting of new development: The proposed project is consistent with this policy because the proposed addition will be located on an existing lot of record in the Residential Single Family category and there is no area of the site with a slope of less than 20 percent.

Policy 8: Timing of new construction: The proposed project is consistent with this policy because if grading is to occur or left unfinished between October 15 through April 15 the project is required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.

Policy 10: Drainage Provisions: The proposed project is consistent with this policy because the project is required to have a drainage plan that shows the construction of the addition will not increase erosion or runoff.

Hazards:

Policy 1: New Development: The proposed project is consistent with this policy because it is located and designed to minimize risks to human life and property.

Does the project meet applicable Coastal Plan Policies: Yes, as conditioned

COMMUNITY ADVISORY GROUP COMMENTS: See attached referral dated April 27, 2006.

AGENCY REVIEW:

Public Works – “No Comment.”

Los Osos Community Services District – “No Comment”

Regional Water Quality Control Board – “Not acceptable. No new plumbing or living space allowed” *(The applicant has revised their plans to meet the comments of the RWQCB referral dated 3/28/06)*

LEGAL LOT STATUS:

The existing lots were legally created by a recorded map at a time when that was a legal method of creating lots (Tract 287, Block 1, Lot 10)

Staff report prepared by Ryan Hostetter and reviewed by Mike Wulkan.

EXHIBIT A - FINDINGS

CEQA Exemption

- A. The project qualifies for a Class 3 Categorical Exemption pursuant to CEQA Guidelines Section 15303 because the project is a minor addition to a single-family residence in a residential zone.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on a road constructed to a level able to handle any additional traffic associated with the project.

Coastal Access

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast, and the project will not inhibit access to the coastal waters and recreation areas.

EXHIBIT B - CONDITIONS OF APPROVAL

Authorized Use

1. Request by Bruce Froikin and Kacey Chun for a Minor Use Permit/Coastal Development Permit to allow a 455 square foot second story addition to the existing 2,398 square foot single family residence. The proposed addition includes relocating the existing master bedroom and bathroom to the second floor of the home. There are no additional water fixtures or bedrooms authorized with this approval.
2. Maximum height is 19' 6" from average natural grade.

Conditions to be completed prior to issuance of a construction or grading permit

Site Development

3. **At the time of application for construction permits** plans submitted shall show all development consistent with the approved site plan, floor plan, and architectural elevations.
4. **At the time of application for construction permits**, the applicant shall provide details on any proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All lighting fixtures shall be shielded so that neither the lamp or the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark colored.

Grading, Drainage, Sedimentation and Erosion Control

5. If grading is to occur between October 15 and April 15, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.
6. The applicant shall submit a drainage plan for review and approval by the County Public Works Department.

Fire Safety

7. The applicant shall provide the county Department of Planning and Building with a fire safety plan approved by CDF/County Fire.

Building Height

8. The maximum height of the project is 19 feet 6 inches (as measured from average natural grade).

Archaeology

9. In the event archaeological resources are unearthed or discovered during any construction activities, the following standards apply:
 - A. Construction activities shall cease and the Environmental Coordinator and Planning Department shall be notified so that the extent and location of discovered materials may be recorded by a qualified archaeologist, and disposition of artifacts may be accomplished in accordance with state and federal law.
 - B. In the event archaeological resources are found to include human remains, or in any other case where human remains are discovered during construction, the County Coroner is to be notified in addition to the Planning Department and Environmental Coordinator so that proper disposition may be accomplished.

**Conditions to be completed prior to occupancy or final building inspection
/establishment of the use**

Fire Safety

10. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from CDF/County Fire of all required fire/life safety measures.

Miscellaneous

11. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
12. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050. This permit is generally considered to be vested once a building permit has been issued and substantial site work has been completed. Substantial site work is defined (Section 23.02.042) as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade ('sticks in the air').
13. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred or are occurring, this approval may be revoked pursuant to Section 23.10.160 of the Coastal Zone Land Use Ordinance.

LOS OSOS COMMUNITY ADVISORY COUNSEL

PROJECT REFERRAL RESPONSE

File Number: DRC2005-00174

Date: 4/27/2006

Planner: Ryan Hostetter

Applicant: Froiken

Address: 372 Inyo St.

Project – Add 380 sq.ft. to existing 2nd level and move master bedroom and bath to 2nd level. Remodel kitchen. Second level will have a setback from the first level to improve visual look.

Los Osos Community Advisory Counsel Recommendation:

Our vote was unanimous that we recommend approval of the project based on the following evaluation.

AESTHETICS: The project _

is aesthetically compatible with the site
does not affect a scenic view open to public view
is compatible with the visual character of an area
is compatible with LOCAC's vision plan

4 – Agree strongly

3 – Agree

2 – Disagree

1 – Disagree strongly

N/A – Not Applicable

Rating

3

3

3

3

Comments: None

HOUSING: The project _

does not induce substantial growth in an area either directly or indirectly
does not displace existing housing or people
does not impact affordable housing

3

3

3

Comments: None

CIRCULATION: The project _

does not substantially increase local traffic
does not create unsafe road conditions (e.g., limited access, sight distance, slow vehicles)

3

N/A

Comments: None

LAND USE: The project _

is compatible with surrounding land uses
does not affect access to trails, parks or other recreation opportunities
does not generate increases in noise levels or light pollution for adjoining areas

3

3

3

Comments: None

WILDLIFE RESOURCES: The project _

does not result in a loss of wetland, riparian, or unique habitats
does not introduce barriers which would hinder the normal activities of wildlife

3

3

Comments: None

WATER AND WASTEWATER: The project _

does not alter the movement or quantity of surface water
does not impact the quality or quantity of the community water supply
does not have negative impact on the community wastewater problem

3

3

3

Comments: LOCAC would encourage that all existing water fixtures be converted to low flow.

GEOLOGY AND SOILS: The project _

does not result in soil erosion or exposure to unstable earth conditions

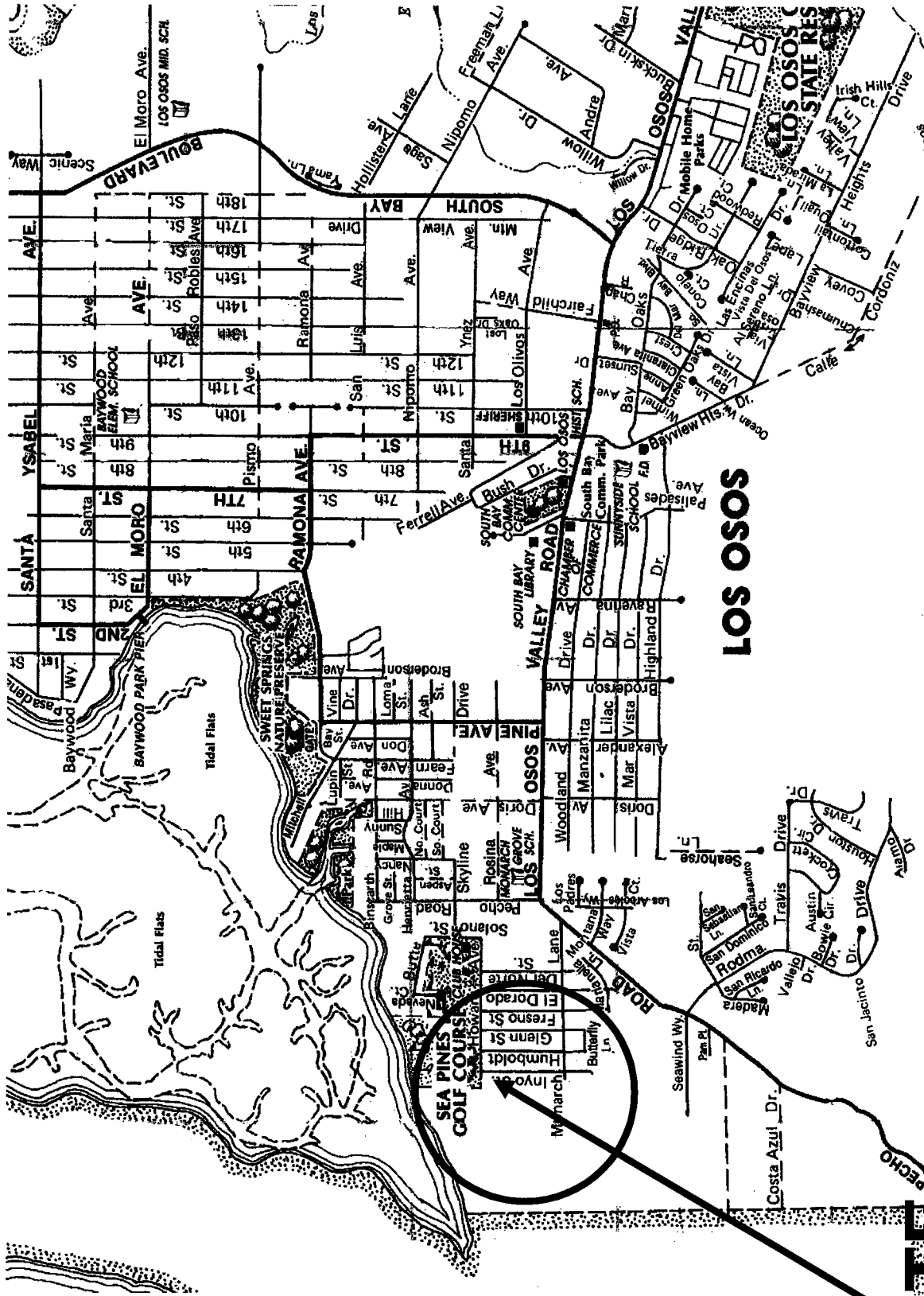
N/A

Comments: None

OVERALL EVALUATION: The project meets Los Osos community standards and will result in an aesthetic improvement to its neighborhood.

Send copy of the staff report for the project:
Send notice of public hearing for the project:
Send notice of the final action for the project:

Yes
Yes
Yes



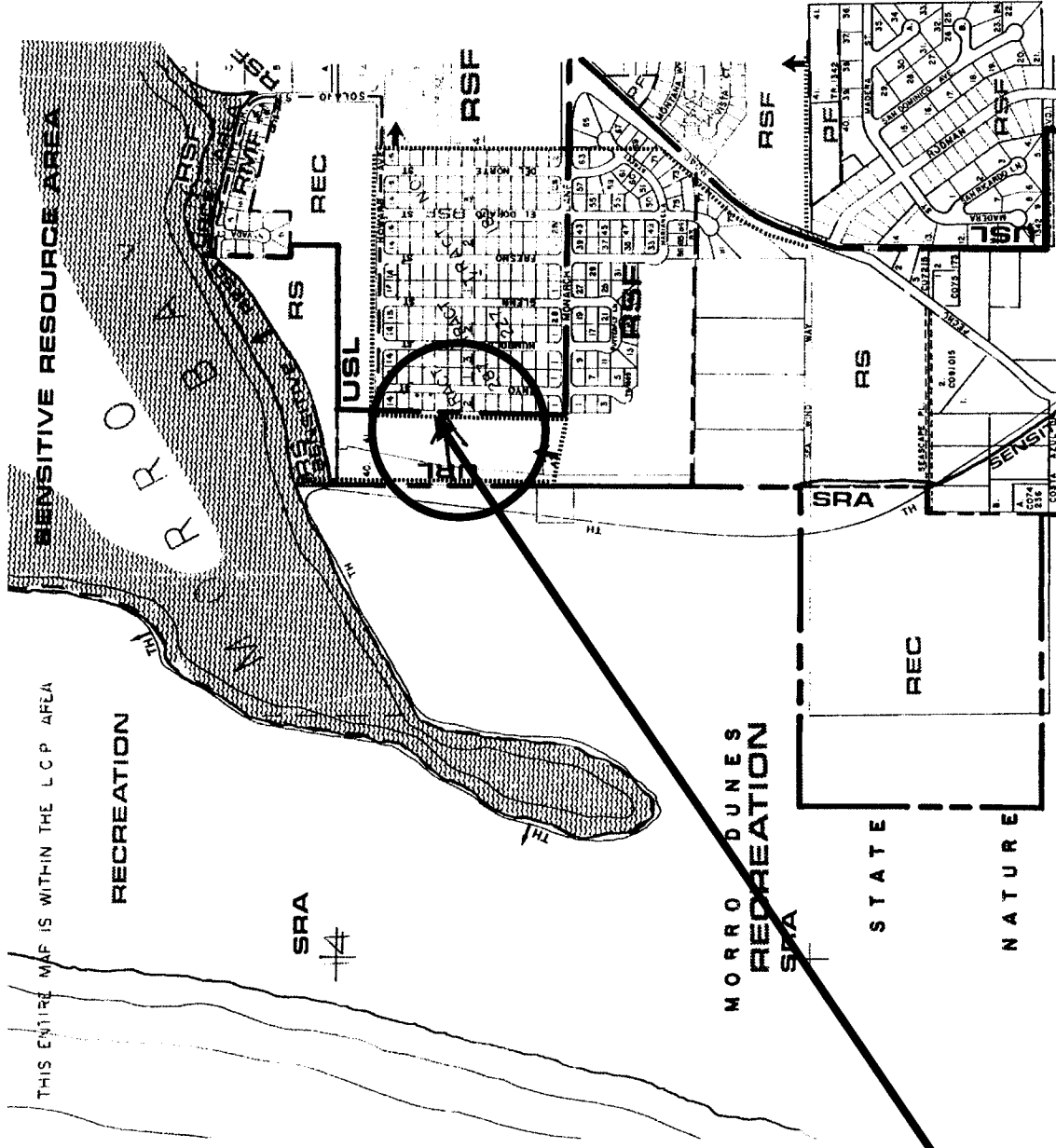
SITE

PROJECT

Minor Use Permit
Frokin DRC2005-00174

EXHIBIT

Vicinity Map



SITE

PROJECT

Minor Use Permit
Froikin DRC2005-00174

EXHIBIT

Land Use Category





SITE

PROJECT

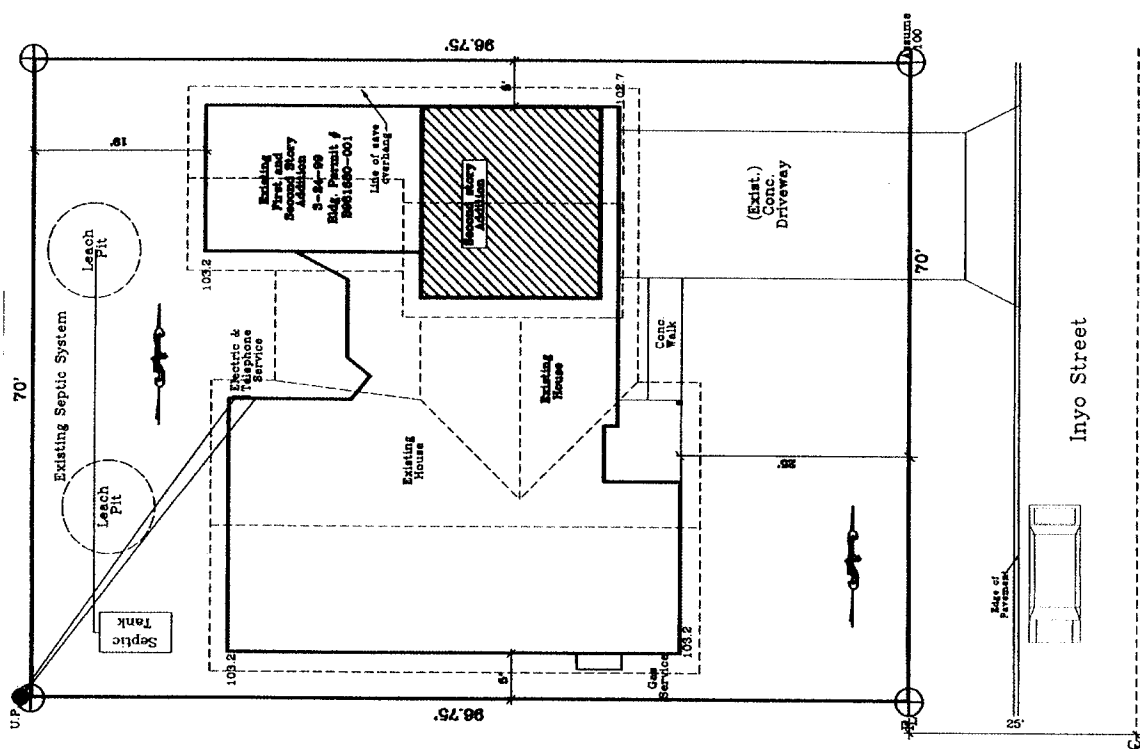
Minor Use Permit
Froikin DRC2005-00174

EXHIBIT

Aerial



SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Minor Use Permit
Froikin DRC2005-00174



EXHIBIT

Site Plan

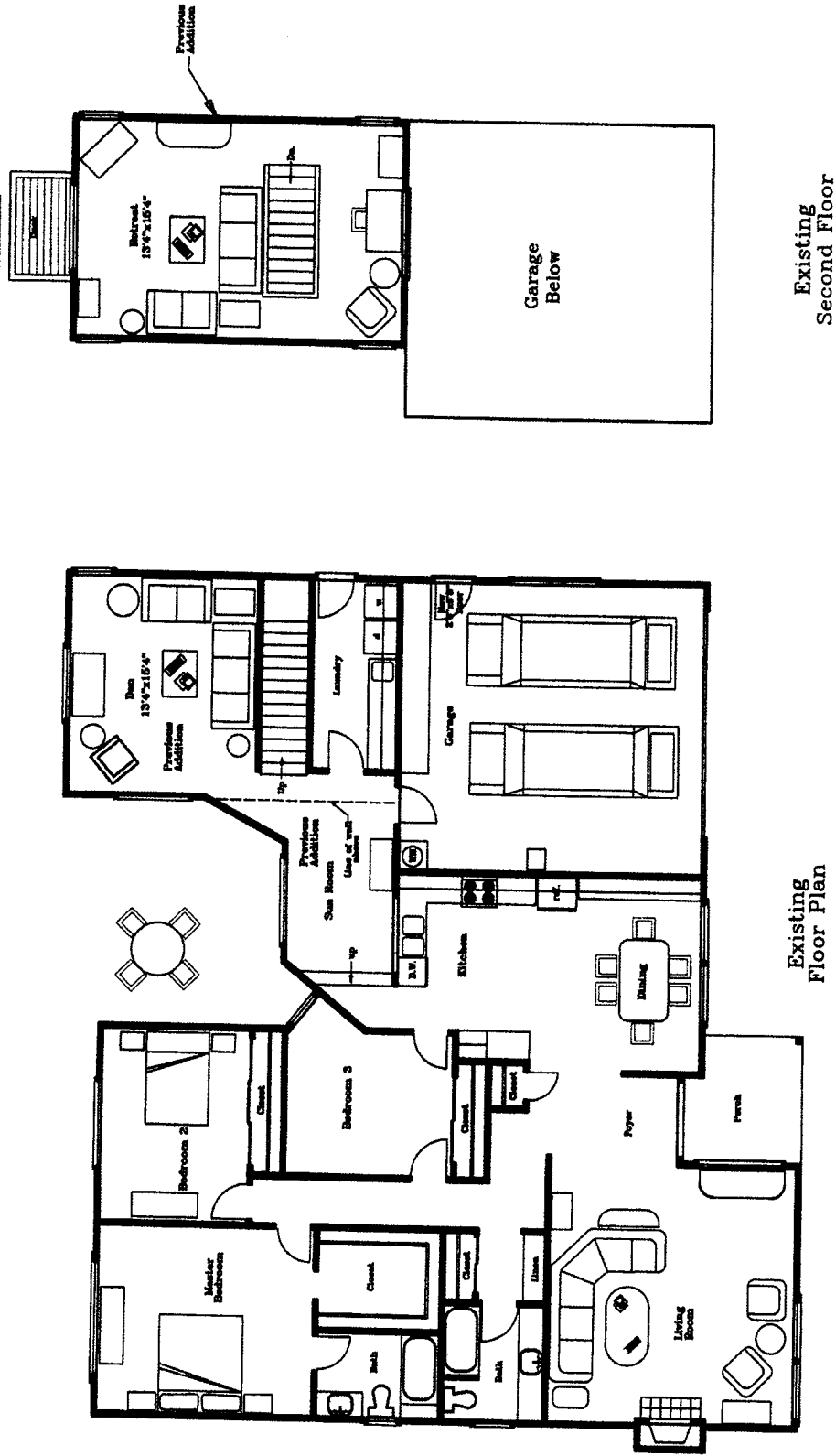
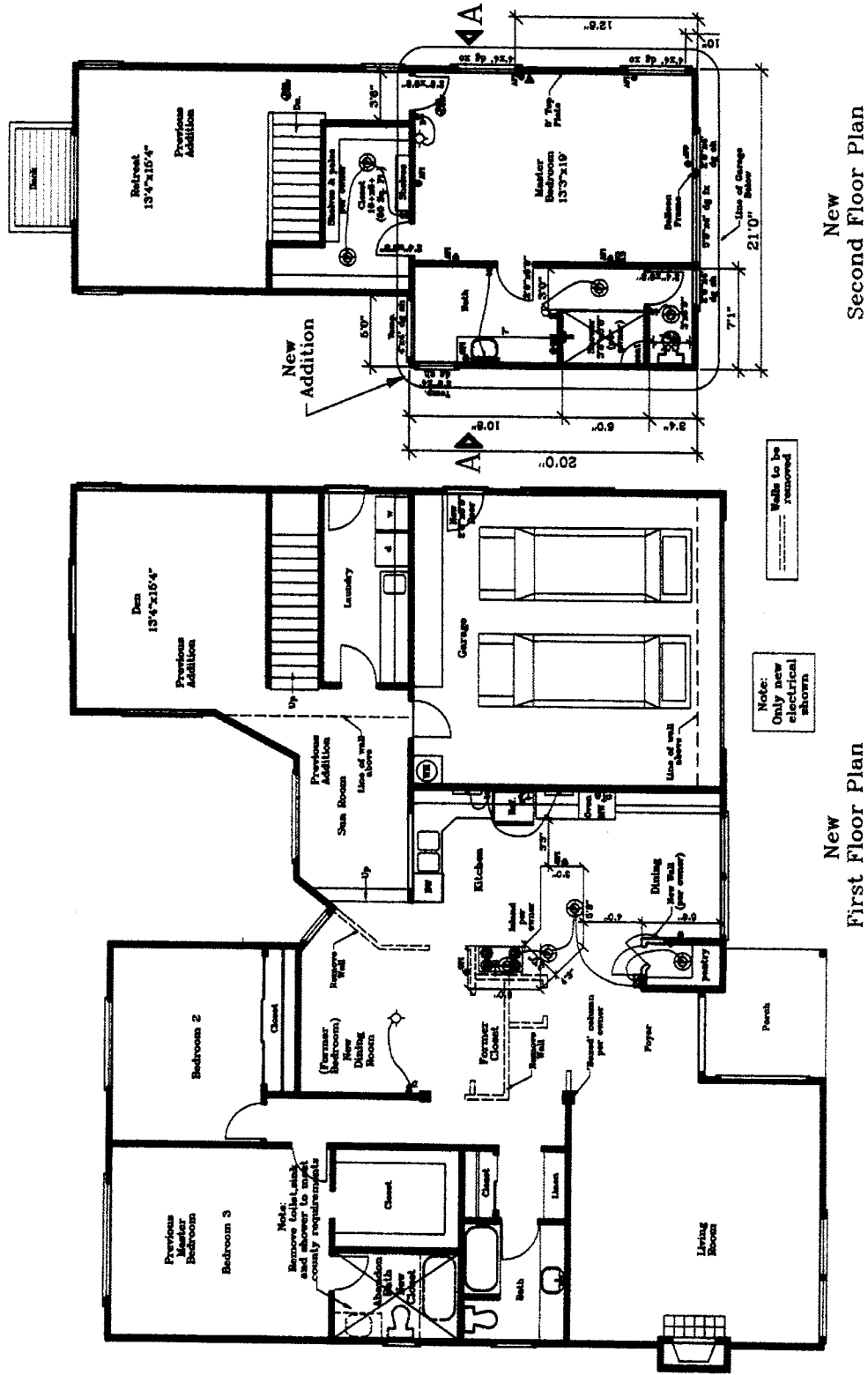


EXHIBIT
Existing Floor Plan



PROJECT
Minor Use Permit
Frokin DRC2005-00174



New Second Floor Plan

New First Floor Plan

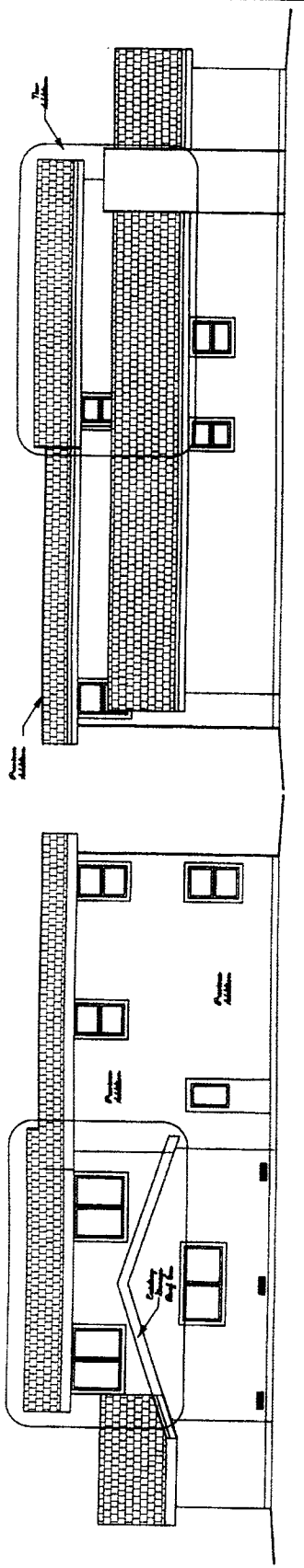
PROJECT

Minor Use Permit
Froikin DRC2005-00174

EXHIBIT

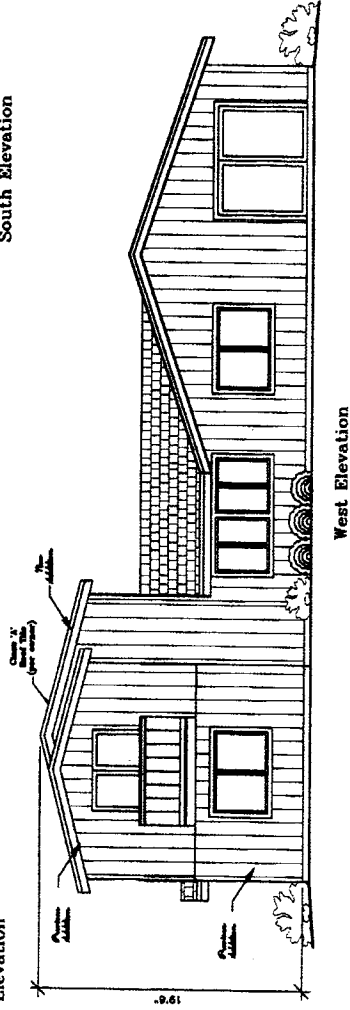
Proposed Floor Plan



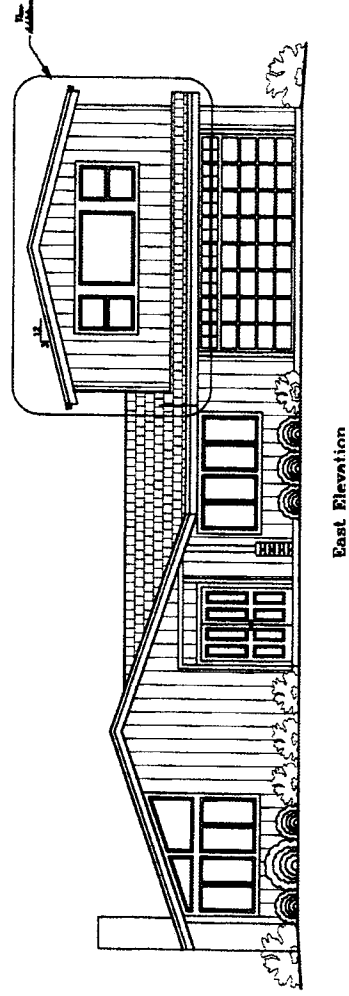


North Elevation

South Elevation



West Elevation



East Elevation

PROJECT

Minor Use Permit
Frokin DRC2005-00174

EXHIBIT

Elevation



